

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OSCAR SANCHEZ,

Plaintiff,

vs.

ATTORNEY RYAN EARL, ATTORNEY
ALBERT LIN, JUDGE KEN JORGENSEN,
GRANT COUNTY COURT, SERGIO
LARIOS, ROGELIO MARTINEZ
ABUNDEZ, SAUL MENDOZA RAMIREZ,
JOSE LUIS OLIVARES GARCIA, and
CARLOS BRAVO,

Defendants.

NO. CV-11-135-JPH

ORDER ADOPTING REPORT
AND RECOMMENDATION AND
DISMISSING COMPLAINT

1915(g)

Magistrate Judge Hutton filed a Report and Recommendation on August 24, 2011, recommending Mr. Sanchez's civil rights complaint be dismissed with prejudice for failure to state a claim upon which relief may be granted, but without prejudice to seeking appropriate state court and federal habeas relief. Plaintiff has not provided the Court with his current address and the documents sent to him at the Grant County Jail have been returned as undeliverable. There being no objections, the Court **ADOPTS** the Report and Recommendation. The Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted against the named Defendants under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1), but without prejudice to seeking appropriate state court and federal habeas relief.

1 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three
2 or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim
3 will be precluded from bringing any other civil action or appeal *in forma pauperis* “unless
4 the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

5 **Plaintiff is advised to read the new statutory provisions under 28 U.S.C. § 1915. This**
6 **dismissal of Plaintiff's complaint may count as one of the three dismissals allowed by**
7 **28 U.S.C. § 1915(g) and may adversely affect his ability to file future claims.**

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter this Order,
9 enter judgment, forward copies to Plaintiff at his last known address, and close the file. The
10 District Court Executive is further directed to forward a copy of this Order to the Office of
11 the Attorney General of Washington, Criminal Justice Division. The court certifies any
12 appeal of this dismissal would not be taken in good faith.

13 **DATED** this 15th day of September, 2011.

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16 09-15-11

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE